

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

MARKIA APRIL ROGERS
1816 East Belvedere Avenue
Baltimore, Maryland 21239

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BEFORE THE MARYLAND
INSURANCE COMMISSIONER

CASE NO. : MIA-2017-10-008
Fraud Division File No.: R-2017-2368A

CONSENT ORDER

The Maryland Insurance Administration (“MIA”) and Markia April Rogers (“Respondent”), pursuant to §§ 2-108, 2-201, 2-204 and 2-405 of the Insurance Article, Md. Code Ann. (2017 Repl. Vol. & Supp.) (“the Insurance Article”), enter into this Consent Order to resolve the matter before the Maryland Insurance Administration (“Administration”).

I. Explanatory Statement & Findings of Fact

1. On September 11, 2015, Respondent applied for automobile insurance for her 2014 Honda with Metropolitan Casualty Insurance Company (“MetLife”), an authorized insurer. When completing the insurance application, Respondent reported her address as 8904 Skyrock Court, Columbia, Maryland 21046. Relying on the information provided by Respondent, MetLife issued Respondent a policy, basing its premiums on the Skyrock Court address. The policy took effect on September 18, 2015. Respondent signed the MetLife insurance application immediately after the following fraud warning:

Any person who knowingly or willfully presents a false claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

2. On December 31, 2016, Respondent notified MetLife that earlier the same day, she had a motor vehicle accident in Baltimore City, Maryland. MetLife assigned a claim number.

3. On January 3, 2017, MetLife sent Respondent a letter to 8904 Skyrock Court, Columbia, Maryland 21046, the address Respondent provided on her MetLife insurance application.

4. On January 6, 2017, A.D.¹, a resident of 8904 Skyrock Court contacted MetLife and advised Respondent does not reside there and is using the address to obtain lower insurance premiums.

5. On January 7, 2017, a MetLife Auto Investigative Unit supervisor checked Respondent's vehicle identification and license plate numbers through the Insurance Services Office ("ISO") Claim Search and learned that her listed address was 1816 E. Belvedere Avenue, Baltimore, Maryland 21239. Consequently, MetLife referred Respondent's claim to its Special Investigations Unit ("SIU").

6. On January 24, 2017, a MetLife SIU investigator interviewed A.D. She reported receiving mail from MetLife, addressed to Respondent at her Skyrock Court address. A.D. contacted Respondent and asked why she was using her address and Respondent replied, "I just did it for lower insurance ..." Further, Respondent never lived at 8904 Skyrock Court and did not have permission to use the address.

7. On January 27, 2017, MetLife sent Respondent a letter denying her claim as it was determined that her insured vehicle was garaged at a location other than the address listed on her policy.

8. Section 27-802(a)(1) of the Maryland Insurance Article states,

¹ The MIA uses initials to protect Complainant's identity.

An authorized insurer, its employees, fund producers, or insurance producers, ... who in good faith has cause to believe that insurance fraud has been or is being committed shall report the suspected insurance fraud in writing to the Commissioner, the Fraud Division, or the appropriate federal, State, or local law enforcement authorities.

MetLife, having a good faith belief that Respondent committed insurance fraud, referred the matter to the MIA, Fraud Division.

8. In the course of its course investigation, MIA contacted MetLife and confirmed its handling of Respondent's claim.

9. On August 17, 2017, an MIA investigator interviewed A.D., the resident of 8904 Skyrock Court, Columbia, Maryland 21046, who stated that the Respondent "never" resided at 8904 Skyrock Court and has never even stayed a night. Further, in January, 2017, she received mail from MetLife, addressed to Respondent. A.D. subsequently contacted the Respondent and advised her to cease using her address, and Respondent replied, "Can you wait until this situation is over with."

10. On August 29, 2017, Respondent's attorney contacted the MIA investigator and stated that Respondent admitted to using the 8904 Skyrock Court address.

11. On August 30, 2017, an MIA investigator received a letter from the Respondent's attorney stating that Respondent admits to using 8904 Skyrock Court, Columbia Maryland on her automobile insurance policy.

II. Violation(s)

12. In addition to all relevant sections of the Insurance Article, the Administration relies on the following pertinent sections in finding that Respondent violated Maryland's insurance laws:

13. § 27-406

It is a fraudulent insurance act for a person:

(1) knowingly or willfully to make a false or fraudulent statement or representation in or with reference to an application for insurance[.]

14. § 27-408(c)

(1) In addition to any criminal penalties that may be imposed under this section, on a showing by clear and convincing evidence that a violation of this subtitle has occurred, the Commissioner may:

(i) impose an administrative penalty not exceeding \$25,000 for each act of insurance fraud; and

* * *

(2) In determining the amount of an administrative penalty, the Commissioner shall consider:

- (i) the nature, circumstances, extent, gravity, and number of violations;
- (ii) the degree of culpability of the violator;
- (iii) prior offenses and repeated violations of the violator; and
- (iv) any other matter that the Commissioner considers appropriate and relevant.

15. By the conduct described herein, Respondent knowingly violated § 27-406. As such, Respondent is subject to administrative penalty under the Insurance Article § 27-408(c).

III. Sanctions

16. Insurance fraud is a serious violation, which harms consumers in that the losses suffered by insurance companies are passed on to consumers in the form of higher premium. The Commissioner may investigate any complaint that alleges a fraudulent claim has been submitted to an insurer. Insurance Article §§ 2-201(d) (1) and 2-405.

17. Respondent submitted an insurance application and made a false statement to MetLife regarding her home address to influence the amount of her insurance premium. Having considered the factors set forth in §27-408(c)(2) and COMAR 31.02.04.02, the MIA has determined that \$1,500.00 is an appropriate penalty.

18. This Order does not preclude any potential or pending action by any other person, entity, or government authority, regarding any conduct by the Respondent including the conduct that is the subject of this Order.

19. On December 11, 2017, the parties agreed to the terms of is Order to avoid litigation and to fully and finally resolve all issues states in this Order. Respondent admits to the conduct described above, but denies any liability to any party because of her actions.

WHEREFORE, for the reasons set forth above, it is this 28th day of February 2018, **ORDERED** by the Insurance Commissioner and **CONSENTED** to by Respondent that:

A. Markia April Rogers paid an administrative penalty to the Administration in the amount of one thousand five hundred dollars (\$1,500.00) on December 15, 2017.

B. The executed Consent Order shall be sent to the attention of: Maryland Insurance Administration, Steve Wright, Associate Commissioner, Fraud Division, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202 and shall identify the case by number (R-2017-2368A) and name (Markia April Rogers).

C. The parties acknowledge that this Consent Order contains the entire agreement between the parties relating to the administrative actions addressed herein and that this Consent Order resolves all matters relating to the factual assertions and agreements contained herein. All time frames set forth in this Consent Order may be amended or modified only by subsequent written agreement of the parties.

D. Respondent had the opportunity to have this Order reviewed by legal counsel of her choosing, and she is aware of the benefits gained and obligations incurred by the execution of the Consent Order. Respondent waives any and all rights to any hearing or judicial review of this Consent

Order to which it would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions by this Consent Order.

E. For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondent, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondent made under the Maryland public information Act, or properly made by governmental agencies, this Consent Order will be kept and maintained in the regular course of business by the Administration. For the purposes of the business of the Administration, the records and publications of the Administration will reflect this Consent Order.

F. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative action or civil action to enforce the terms of this Order. Failure to fully comply with the terms of this Consent Order may subject Respondent to further legal and/or administrative action.

G. This Consent Order shall go into effect upon signing by the Commissioner or his designee and is a Final Order of the Commissioner under § 2-204 of the insurance Article.

ALFRED W. REDMER, JR.
Insurance Commissioner

signature on original

BY:

STEVE WRIGHT
Associate Commissioner
Insurance Fraud Division

RESPONDENT'S CONSENT

Respondent Markia April Rogers CONSENTS to the representations made in, and terms of, this Consent Order. On behalf of Respondent, the undersigned hereby affirms that he or she has taken all necessary steps to obtain the authority to bind Respondent to the obligations stated herein and does, in fact, have the authority to bind Respondent to the obligations stated herein.

02/26/2018

Date


Markia April Rogers